

## **Exhibit G**

**BRANDON RAYBION**  
**REPASS vs TNT CRANE AND RIGGING**

August 20, 2020

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<p>1 JOB NO. 5942713</p> <p>2 IN THE UNITED STATES DISTRICT COURT</p> <p>3 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>4 MIDLAND DIVISION</p> <p>5 TIMOTHY W. REPASS and )</p> <p>6 WILLIAM SCOTT McCANDLESS, )</p> <p>7 Individually and On )</p> <p>8 Behalf of All Others )</p> <p>9 Similarly Situated, )</p> <p>10 )</p> <p>11 Plaintiffs, )</p> <p>12 )</p> <p>13 VS. ) NO. 7:18-CV-107-DC</p> <p>14 )</p> <p>15 TNT CRANE AND RIGGING, )</p> <p>16 INC., )</p> <p>17 )</p> <p>18 Defendant. )</p> <p>19 -----</p> <p>20 ORAL DEPOSITION OF</p> <p>21 BRANDON RAYBION</p> <p>22 August 20, 2020</p> <p>23 (Reported Remotely)</p> <p>24 -----</p> <p>25 ORAL DEPOSITION OF BRANDON RAYBION, produced as a</p> <p>26 witness at the instance of the defendant, and duly</p> <p>27 sworn, was taken in the above-styled and numbered</p> <p>28 cause on August 20, 2020, Via Videoconference, from</p> <p>29 9:00 a.m. to 11:04 p.m., before Suzann M. Sanchez,</p> <p>30 CSR, RMR, in and for the State of Texas, reported by</p> <p>31 machine shorthand, at Odessa, Texas 79763, pursuant to</p> <p>32 the Federal Rules of Civil Procedure.</p> <p>33</p> <p>34</p> <p>35</p>	<p>1 INDEX</p> <p>2</p> <p>3 Appearances..... 2</p> <p>4 Stipulations..... 1</p> <p>5</p> <p>6 EXAMINATION PAGE</p> <p>7 BY MR. SPRAGUE..... 4</p> <p>8 BY MR. MORELAND..... 90</p> <p>9</p> <p>10 Changes and Signature..... 93</p> <p>11 Reporter's Certificate..... 95</p> <p>12</p> <p>13 EXHIBITS</p> <p>14 NO. DESCRIPTION PAGE</p> <p>15 Exhibit 1 Raybion Time Sheets..... 77</p> <p>16 Exhibit 2 Raybion Electronic Time ..... 77</p> <p>17 Records</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR TIMOTHY W. REPASS and WILLIAM SCOTT McCANDLESS,</p> <p>4 Individually and On Behalf of All Others Similarly</p> <p>5 Situated (Via Videoconference):</p> <p>6 Edmond S. Moreland, Jr., Esq.</p> <p>7 Moreland Verrett, P.C.</p> <p>8 700 West Summit Drive</p> <p>9 Wimberley, Texas 78676</p> <p>10 512-782-0567</p> <p>11 Edmond@morelandlaw.com</p> <p>12</p> <p>13 FOR TNT CRANE AND RIGGING, INC. (Via Videoconference):</p> <p>14 Jonathan A. Sprague, Esq.</p> <p>15 Littler Mendelson, P.C.</p> <p>16 1301 McKinney Street, Suite 1900</p> <p>17 Houston, Texas 77010-3031</p> <p>18 713-951-9400</p> <p>19 Mjodon@littler.com</p> <p>20 Jsprague@littler.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 BRANDON RAYBION</p> <p>2 was called as a witness and, having been first duly</p> <p>3 sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. SPRAGUE:</p> <p>6 Q. Good morning.</p> <p>7 MR. MORELAND: Jonathan, before you get</p> <p>8 -- Jonathan, before you get started, I just want to</p> <p>9 say on the record that we'll read and sign.</p> <p>10 Q. (BY MR. SPRAGUE) All right. Good morning,</p> <p>11 Mr. Raybion. Would you please state your full name?</p> <p>12 A. Brandon Raybion.</p> <p>13 Q. Okay. My name is Jonathan Sprague. I am one</p> <p>14 of the attorneys representing the defendant in this</p> <p>15 lawsuit TNT Crane and Rigging, Incorporated. And</p> <p>16 throughout this deposition, if I refer to TNT Crane</p> <p>17 and Rigging, Inc. just as TNT, will you understand</p> <p>18 that I'm referring to the defendant TNT Crane and</p> <p>19 Rigging, Inc.?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Thanks. So, before we get started, I</p> <p>22 just kind of want to go over some ground rules and</p> <p>23 walk through a few things particular to a deposition.</p> <p>24 Do you understand that the court reporter has sworn</p> <p>25 you in today, and you're under oath to tell the truth?</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. And what about fueling a drag tank or an 2 L-tank? Would that include -- was time spent doing 3 that included in your overtime pay? 4 A. If we were going -- if I was traveling from 5 my home or from the job site back to my home, then, 6 no, it wasn't included on that. 7 Q. So, would you -- let's say you were traveling 8 from your house out to a job site, and you stopped to 9 fuel up the tank. Would you put on your time sheet 10 the time spent actually fueling the tank? 11 A. No, because they wouldn't pay for it. 12 Q. Did you ever put it down on your time sheet? 13 A. No, we did not. 14 Q. Why not? 15 A. Because we were told we wouldn't get paid for 16 it anyway. 17 Q. Okay. Did anyone tell you not to put it on 18 your time sheet? 19 A. Yes. I would say it varied from emails from 20 Don Harrison or Carol or even Levi. 21 Q. And did those emails specifically reference 22 fuelling tanks or filling tanks and not to put that 23 time on your time sheet? 24 A. It more or less referenced we're not paying 25 you to fuel your trucks just going to and from a job.</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. And, so, you would get -- what would you do 2 on those days? 3 A. Just sit at the house. 4 Q. Were there ever days when you would go to the 5 yard just to do some work at the yard to get some 6 hours? 7 A. Only if it was allowed. 8 Q. And if it was allowed, can you -- can you 9 recall whether you ever did that? 10 A. Yeah, I did it a couple times. 11 Q. Okay. And you're not claiming that you 12 should be paid for time spent traveling to the yard 13 just to work at the yard and then traveling home from 14 the yard after working at the yard, are you? 15 A. No. 16 Q. Okay. How about if there was a rain-out or 17 you couldn't work due to weather? Would you get paid 18 a full day in those circumstances? 19 A. No, there was no such thing as that. 20 Q. Okay. How did you submit your time in to 21 TNT? 22 A. Well, it started out first through regular 23 write it down on a piece of paper and, you know, take 24 a picture of it, email it in, and then turn it in 25 physically, you know, at the end of the week. And</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. 2 A. Pretty much that's how it worked. We're not 3 paying you -- we're not paying you for that. We're 4 only paying you if you're at the yard or leaving with 5 the crane or haul truck or whichever. 6 Q. Okay. How about safety meetings? Did TNT 7 include in your overtime pay time spent at safety 8 meetings? 9 A. If there was one during overtime, then yes. 10 Q. And what about filling out paperwork? Did 11 TNT include in your overtime pay time spent completing 12 paperwork? 13 A. They -- I wouldn't say I put it down on my 14 time sheet, because it's something I knew they 15 wouldn't pay for anyway. 16 Q. So, would it be accurate to say, would you 17 agree, that we've gone through various examples, and 18 you got paid overtime for a variety of different 19 tasks, whether some of it was travel and some it was 20 work at job sites and then some of it back at the 21 yard? Would you agree with that? 22 A. Yes. 23 Q. Were there ever days that you didn't have a 24 job assignment for a customer? 25 A. Yeah. It was --</p>	<p style="text-align: right;">Page 36</p> <p>1 then it was done sometimes through email where we had 2 like a template made out, and we would fill it out 3 through an email and send it in. Then they went to a 4 tablet-based deal to where you did it on tablet. 5 Q. Did you receive any training on how to fill 6 out -- let's start with the time sheets, the 7 old-fashioned ones you mentioned or the paper time 8 sheets before switching over to electronic. Did you 9 receive any training on how to fill out those time 10 sheets and enter your time? 11 A. Not really. I just learned it from other -- 12 other workers. 13 Q. Do you recall the names of those other 14 workers? 15 A. I do not. 16 Q. And, so, there was no orientation or 17 on-boarding process or maybe like an office 18 administrator or someone said, here's the time sheet. 19 This is what you put down, this is what you don't? 20 A. No. It's just pretty much when I got hired 21 on, it would say this is your time sheet. Fill it out 22 to the best of your knowledge. And that was pretty 23 much what it was. 24 Q. All right. What's your recollection on when 25 it switched over to the tablet and electronic records?</p>



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<p style="text-align: right;">Page 45</p> <p>1 having to change a flat, repair a tire, would you have          2 been paid for the 15 minutes for the pre-trip and then          3 the time that you put down afterwards dealing with          4 repairing that tire?          5 A. Yes. We would -- I would generally start my          6 time usually when I get in the yard, and that's when I          7 would start it. And, so, if I -- if I put, you know,          8 I came to the yard at 4:30, I put pre-trip, and I          9 didn't leave the yard till 5:00, and I put pre-trip          10 from 4:30 to 5:00, our time would usually get changed          11 to 4:45 to 5:00.          12 Q. And what about that period from 4:45 to 5:00?          13 Would that be encompassed in any other time entries on          14 your time sheet, or is that just a 15-minute hold?          15 A. Yeah, they would just -- I put -- you know, I          16 would put 4:30 to 5:00, but it would get changed 4:45          17 to 5:00, because they only pay you 15 minutes.          18 Q. Okay. And when you have a crane out on          19 the -- out at the job site, do you turn that off when          20 it's not operating when you're not using it, turn the          21 engine off?          22 A. We would -- we would at times, yes. But          23 during some off periods, we would leave it on to keep          24 the cab cool or during the cold times, we would          25 definitely run it to keep, you know, the fluids warm</p>	<p style="text-align: right;">Page 47</p> <p>1 paid for that time you spent going to get the fuel and          2 coming back?          3 A. It was very seldom that we would actually          4 leave the job during the middle of it to go get fuel.          5 I mean, that probably never happened. We would always          6 just plan it. If we needed fuel for the next day,          7 then we would either go fill up that night or that          8 morning, the next morning, before we went to the job          9 site.          10 Q. And would you put on your time sheet that          11 time spent getting that fuel after and before?          12 A. No, we didn't add it, because we were told          13 not to.          14 Q. How did you pay for the fuel when you -- when          15 you would get it? Did you have a company credit card?          16 A. Yes, sir.          17 Q. Did you use the TNT credit card or gas card          18 to pay for the fuel in the TNT truck?          19 A. Yes.          20 Q. Did any of the jobs you work on have runners          21 who would bring supplies to the job site?          22 A. Maybe. You know, yeah, every now and then,          23 there would be a guy would bring out a tag-along or --          24 Q. Do you remember --          25 A. What's that?</p>
<p style="text-align: right;">Page 46</p> <p>1 and stuff like that.          2 Q. A crane can go three to four days without          3 needing to be refueled. Right?          4 A. It depends on its usage. So --          5 Q. Okay. So, you could have situations where          6 the crane has enough fuel in it to do a one-day job,          7 two-day job, three-day job without needing to get          8 refueled just depending on -- on the usage of the          9 crane?          10 A. Depending on the usage of the crane on the          11 job, yes.          12 Q. And, so, you don't always have to refuel a          13 crane when it's out on the job, do you?          14 A. Not every day, no.          15 Q. If a crane needs fuel, and you're out on a          16 job, you don't have to go back to the yard to fill the          17 drag tank and then drive that back out, do you?          18 A. No. If it -- it's far away, we just go fill          19 up our L-tank at the fuel station.          20 Q. All right. And, so, if you're, let's say, in          21 the middle of a job, and you're running low on fuel,          22 you leave from the job site, go fill up the tank at a          23 gas station, truck stop. You leave the yard to go do          24 that. You fill it up, drive it back, and then you get          25 back to working on the job site. Would you have been</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Do you remember what jobs those were on?          2 A. I do not.          3 MR. MORELAND: Excuse me, Jonathan.          4 You've interrupted him several times. Please let him          5 finish his answer before you jump in.          6 MR. SPRAGUE: Sorry.          7 Q. (BY MR. SPRAGUE) How about safety employees?          8 Would they bring supplies when they would come out to          9 the job site?          10 A. When they would come out to do an audit, they          11 would bring, you know, extra gloves or hearing          12 protection or safety glasses, stuff like that, for          13 JSA's.          14 Q. So, we've been going almost an hour. Do          15 you-all want to take a five, ten-minute break?          16 A. I'm good. We can -- we can keep going. I've          17 got to get --          18 Q. All right.          19 MR. MORELAND: Works for me.          20 Q. (BY MR. SPRAGUE) Were there any jobs that you          21 worked on where you would drive back home at the end          22 of the day, whether to your --          23 A. Yeah. That was probably the majority of          24 them. Unless I was going to a man camp, I would -- I          25 would drive straight home and go home at night or</p>



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1 Q. And there were times that you were paid for  
 2 time spent traveling from man camp to job site or job  
 3 site to man camp. Correct?  
 4 A. Yes.  
 5 Q. And there were times that you were paid for  
 6 time spent traveling hotel to job site, job site to  
 7 hotel. Correct?  
 8 A. Yes. I'm sorry.  
 9 Q. So, with respect to time traveling between  
 10 the yard and the job site, how many hours per week  
 11 would you say that you weren't paid for that sort of  
 12 time?  
 13 A. It just kind of varied, you know. It  
 14 depended on where I was going, you know, how often I  
 15 needed to fill up my -- to fill up my tank or get  
 16 supplies for the crane or get ice. You know, I would  
 17 say sometimes I probably missed out on 10 to 15 hours  
 18 a week.  
 19 Q. Okay. So, when you were paid for the travel  
 20 time, whether it was between the yard and the job site  
 21 or the man camp and the job site, your travel trailer  
 22 and the job site, on those times that you were paid  
 23 for that, that would be counted towards your overtime.  
 24 Right?  
 25 A. Yes.

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1 Q. Are you claiming that you were not paid for  
 2 all of your travel time?  
 3 A. No, I'm not claiming that at all.  
 4 Q. Sorry. I didn't get that.  
 5 A. You mean like my whole time in TNT or  
 6 something?  
 7 Q. Yeah. In this lawsuit, are you claiming that  
 8 you were not paid for all of your travel time?  
 9 A. Oh, yeah. Yeah, definitely. I didn't hear  
 10 what you said a while ago. But, yeah, I definitely  
 11 didn't get paid all the travel time I should have.  
 12 So --  
 13 Q. And what kind of travel time in particular  
 14 are we talking about? Are we talking about your  
 15 lodging to the job site, job site to the yard? What  
 16 specific travel time are you claiming you weren't paid  
 17 for all of?  
 18 A. I'm just -- mainly, it's travel time, you  
 19 know, to go get things that I needed for work, you  
 20 know, whether it be fuel, ice, supplies, cleaning  
 21 supplies for the crane, stuff like that, you know,  
 22 things that were needed essentially for the job.  
 23 Q. Is there anything else that you're -- any  
 24 other sort of travel time that you're claiming in this  
 25 lawsuit that you weren't paid for?

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1 A. I can't -- I can't think of anything else. I  
 2 mean, there's probably some, but -- there's things I  
 3 probably wish I would have been paid for up there, but  
 4 it was beyond me. So --  
 5 Q. How much travel time are you claiming that  
 6 you weren't paid for?  
 7 A. I've never added it up. I can't tell you. I  
 8 don't know.  
 9 Q. Do you recall the dates that you had travel  
 10 time that you claim you weren't paid for?  
 11 A. Do I have -- say it again?  
 12 Q. The specific dates that you had travel time,  
 13 but weren't paid for?  
 14 A. No, I don't have any specific dates. No.  
 15 Q. Do you know if -- sorry. Did I cut you off?  
 16 A. No. You're good. You're good.  
 17 Q. Do you know if during the weeks when you had  
 18 travel time that you weren't -- that you claim you  
 19 weren't paid for, whether you worked over 40 hours in  
 20 those weeks?  
 21 A. No. I mean, most of my time at TNT was over  
 22 40 hours. So, that's all I --  
 23 Q. But you can't say right now whether you  
 24 recall any specific weeks where you claim you weren't  
 25 paid for travel time, but you did in fact work over

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1 40 hours that week. Correct?  
 2 A. Yes, there was -- there was times, yes, but I  
 3 just don't know specific dates.  
 4 Q. Did you ever have any discussions with  
 5 managers or supervisors at TNT whether you could get  
 6 paid for any travel time?  
 7 A. I brought it up to Levi Hastey probably a  
 8 couple times on saying that we should be paid for this  
 9 time. And he said -- all I would get from him was,  
 10 They're not going to do it.  
 11 Q. And what specific -- what specific sort of  
 12 time was it? Was it the time getting supplies? Is  
 13 that what you brought up with him?  
 14 A. It was just, yeah, whether it be supplies or  
 15 fuel or even sometimes, you know, grabbing a co-worker  
 16 that was going to the job with me.  
 17 Q. Did you ever talk to him about travel time  
 18 from your lodging or home to the job site and back?  
 19 A. I discussed that with him a couple times,  
 20 yes.  
 21 Q. And what did you-all discuss about that?  
 22 A. Well, I just told him, you know, we should  
 23 get paid for some of this travel time, you know,  
 24 whether it's -- if we're stopping to get things or  
 25 not. And he would say, If you're getting a hundred



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<p style="text-align: right;">Page 61</p> <p>1 dollars, you're not getting any travel time.</p> <p>2 Q. What about if the customer would pay for it?</p> <p>3 A. Then you would get up to an hour of travel.</p> <p>4 That's all Chevron would pay for.</p> <p>5 Q. And was this conversation just with Levi?</p> <p>6 A. It was mainly with Levi, yes.</p> <p>7 Q. Any other conversations with supervisors or</p> <p>8 managers about travel pay issues or anything?</p> <p>9 A. No. I mainly got it from Levi.</p> <p>10 Q. Did you ever ride with someone else out to</p> <p>11 the job site?</p> <p>12 A. There were times, yes.</p> <p>13 Q. And would you have been paid for that time</p> <p>14 traveling out there?</p> <p>15 A. If we were getting the hundred, we weren't</p> <p>16 getting paid.</p> <p>17 Q. Did you ever drive riggers out to the job</p> <p>18 site?</p> <p>19 A. Yes, I did.</p> <p>20 Q. Would you get paid for that time?</p> <p>21 A. Nope.</p> <p>22 Q. Would there ever be a scenario where you</p> <p>23 would drive a rigger to one job site and then continue</p> <p>24 on yourself to a separate job site?</p> <p>25 A. I can't say I remember that, where I dropped</p>	<p style="text-align: right;">Page 63</p> <p>1 convenience, like a couple of you-all get together and</p> <p>2 say, Hey, can you pick me up or, Hey, I'll pick you</p> <p>3 up?</p> <p>4 A. That's -- that's sometimes what it was was,</p> <p>5 hey, this is easier to do it this way. And, you know,</p> <p>6 we're not getting paid for the time, so let's save</p> <p>7 ourselves some time and do it this way.</p> <p>8 Q. Do you recall who the employees were that you</p> <p>9 drove out to the job site?</p> <p>10 A. There's a couple different riggers. The one</p> <p>11 that would ride me with a lot was probably Weldon</p> <p>12 Grice, G-R-I-C-E.</p> <p>13 Q. And why did you-all ride together more often?</p> <p>14 A. He was a rigger that I liked to work with.</p> <p>15 Q. And, so, you-all would enjoy riding out there</p> <p>16 together, kind of friends, or is that --</p> <p>17 A. He was a good worker. Put it that way. I</p> <p>18 always -- I always asked for him to work with me.</p> <p>19 Q. When you would stay in a hotel or a man camp,</p> <p>20 was it common to ride with other people out to the job</p> <p>21 site?</p> <p>22 A. Only if a rigger was involved.</p> <p>23 Q. And in those scenarios, would you-all both</p> <p>24 get paid for the travel time?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 62</p> <p>1 anybody off and then went to another one. No.</p> <p>2 Q. Are you aware of other crane operators doing</p> <p>3 that?</p> <p>4 A. I can't speak for them. I don't know.</p> <p>5 Q. If you stopped at a gas station on your way</p> <p>6 home after the job site to top off your -- your</p> <p>7 company truck with gas, are you claiming TNT should</p> <p>8 have paid you for that travel time all the way back to</p> <p>9 your home from the job site?</p> <p>10 A. If it was just fuel for, you know, the truck</p> <p>11 itself, then no. Only if it was essential to the job.</p> <p>12 Q. So, kind of the same situation, but in</p> <p>13 reverse. If you stopped to fill up your truck with</p> <p>14 gas on your drive to the job site, are you claiming</p> <p>15 you should have been paid travel time for that drive</p> <p>16 time from your house or lodging to the job site?</p> <p>17 A. No. No. That's just like going to a regular</p> <p>18 job. So --</p> <p>19 Q. How often would you say that you would travel</p> <p>20 with someone else, whether you're driving them or</p> <p>21 they're driving you to the job site?</p> <p>22 A. I would say about -- at first, it wasn't</p> <p>23 much. But towards the end of my time at TNT, it was</p> <p>24 probably about 50 percent of the time.</p> <p>25 Q. Was this usually done as a matter of</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Even whoever wasn't driving?</p> <p>2 A. Yeah, whoever wasn't driving. If you're</p> <p>3 leaving from the man camp, you got paid driving.</p> <p>4 Q. And this stuff again would count towards</p> <p>5 overtime. Right?</p> <p>6 A. Yes. Or if it -- yeah. If you went into</p> <p>7 overtime, you got overtime.</p> <p>8 Q. So, when you would go out to the job site on</p> <p>9 the first day, what supplies would you take out with</p> <p>10 you in addition to the crane?</p> <p>11 A. Just supplies that you needed for the job,</p> <p>12 you know.</p> <p>13 Q. What are some examples of those?</p> <p>14 A. Well, each job was different, but mainly</p> <p>15 rigging gear, you know, needed all that and all the</p> <p>16 safety stuff that TNT required us to carry with us to</p> <p>17 every job.</p> <p>18 Q. Would you-all try to make sure to get enough</p> <p>19 supplies loaded up and out to the job site on this</p> <p>20 initial trip so you-all wouldn't have to be refilling</p> <p>21 and getting additional supplies?</p> <p>22 A. Yes.</p> <p>23 Q. How about getting ice and water for your own</p> <p>24 use, consumption at the job site? Is that something</p> <p>25 you-all would do?</p>